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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 OPERATING ENGINEERS' PENSION  
14 TRUST FUND, GIL CROSTHWAITE and  
15 RUSS BURNS, as Trustees,

16 Plaintiffs,

17 vs.

18 RICHARD S. TUCKER, INC., a California  
19 Corporation, and RICHARD S. TUCKER, as  
20 an individual,

21 Defendants.

Case No.: C08-3611 MHP

**NOTICE OF VOLUNTARY DISMISSAL**

22 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs GIL  
23 CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the  
24 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN  
25 CALIFORNIA, et al., voluntarily dismiss, without prejudice, the within action against Defendants  
26 RICHARD S. TUCKER, INC., a California Corporation, and RICHARD S. TUCKER, an

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1 Individual. Plaintiffs have not previously filed or dismissed any similar action against Defendants.

2 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
3 entitled action, and that the foregoing is true of my own knowledge.

4 Executed this 31st day of July, 2009, at San Francisco, California.

5 SALTZMAN & JOHNSON  
6 LAW CORPORATION

7 By: \_\_\_\_\_/S/\_\_\_\_\_  
8 Shaamini A. Babu  
9 Attorneys for Plaintiffs

10 IT IS SO ORDERED.

11 This case is dismissed without prejudice and all dates herein are herewith vacated.

12  
13 Date: 8/3/2009



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On July 31, 2009, I served the following document(s):

**NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by First Class U.S. Mail, by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Richard S. Tucker, Inc.**  
**25195 N. Suttentfield Road**  
**Acampo, California 95220**

**Richard S. Tucker**  
**25195 N. Suttentfield Road**  
**Acampo, California 95220**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 31st day of July, 2009, at San Francisco, California.

\_\_\_\_\_/S/\_\_\_\_\_  
Vanessa de Fábrega